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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,842	08/04/2003	Shinji Hayashi	086142-0573	5064
22428	7590	02/28/2006	EXAMINER	
FOLEY AND LARDNER LLP			DUNN, DAVID R	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			3616	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/632,842	HAYASHI, SHINJI	
	Examiner	Art Unit	
	David Dunn	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6 and 8-10 is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 19, 2005 has been entered.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not describe “two sidewalls” or “a bottom wall” as recited in claims 16 and 18.

Claim Objections

3. Claims 16 is objected to because of the following informalities: “hook” should be --hooked-- to be consistent with claim 15. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 16 and 18 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16 and 18 are indefinite as it is unclear how the locking part includes a hook shaped portion (as recited in claims 15 and 17), however only a part (one of the sidewalls) of the hook shaped portion includes the locking part.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Manire (US 5,794,967).

Manire discloses an airbag apparatus for a front passenger seat of a vehicle comprising: a container (102) that has a pair of opposing sides; and an airbag (56); wherein one of the pair of the opposing sides includes a locking part (112) for connecting to a vehicle instrument panel (30) and the other of the pair of opposing sides includes a fixing part (120C, 124b) for connecting to the instrument panel, wherein the fixing part includes two parallel, non-coplanar members (120C, 124b) that extend in a direction substantially parallel to the instrument panel and away from the container, wherein the fixing part is configured to receive a wall section that extends from a rear surface of instrument panel between the two members (see also Figure 8), and the

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wall section includes an opening (82C) for insertion of one of the two parallel members. The locking part is hook shaped (112).

8. Claims 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki (US 6,039,342).

Manire discloses an airbag apparatus for a front passenger seat of a vehicle comprising: a container (26) that has a pair of opposing sides; and an airbag (31); wherein one of the pair of the opposing sides includes a locking part (25, one side) for connecting to a vehicle instrument panel (22) and the other of the pair of opposing sides includes a fixing part (25, other side) for connecting to the instrument panel, wherein the fixing part includes two parallel, non-coplanar members (two parallel arms of 25) that extend in a direction substantially parallel to the instrument panel and away from the container, wherein the fixing part is configured to receive a wall section that extends from a rear surface of instrument panel between the two members and the wall section includes an opening (at 22g) for insertion of one of the two parallel members. The locking part is hook shaped (25a).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Labrie et al. (5,941,558) in view of Desprez (US 6,595,543).

Labrie et al. discloses an airbag apparatus comprising: a container (20) having a pair of opposing sides (see Figure 2); an airbag (24); wherein one of the sides includes a locking part (see lower side with flanged fixed to instrument panel 12 by a fastener) and the other side includes a fixing part (64) for connected to the instrument panel (wall section 50); wherein the fixing part includes two members that extend substantially in parallel with each other (fixing part 64 includes members 34 and 36 which are parallel to each other; see Figures 2 and 3); wherein the fixing part is configured to receive a wall section (54) that extends from a rear surface of the instrument panel between the two members; and wherein the wall section includes a leg piece that extends in a direction substantially parallel to the instrument panel and away from the container (see final extension end 54 which extends away from 56 in Figure 2). The two members extend substantially perpendicular to the sides and away from the container (see Figure 2); the two members are connected together to form a clamp. The leg piece is connected to the members by a bolt (62). As seen in Figure 2, the leg portion is *substantially* parallel to the instrument panel (see especially lower portion of the instrument panel).

Labrie et al. fails to show the locking part including a hook shaped portion.

Desprez teaches a container with a hooked shaped portion (44) for attachment to the instrument panel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Labrie et al. with the teachings of Desprez in order to facilitate a similar installation and provide a more secure attachment.

Allowable Subject Matter

11. Claims 1-4, 6 and 8-10 are allowed.

Response to Arguments

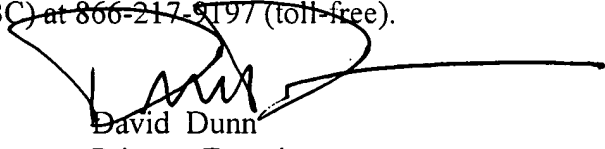
12. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Dunn
Primary Examiner
Art Unit 3616